

Amend Section 63-300.4 to read:

Post-hearing: Amend Section 63-300.41, .43, and .451 to read:

63-300 APPLICATION PROCESS (Continued)

63-300

.4 Interviews (Continued)

- .41 Sections 63-300.41 et seq. (MR) shall become inoperative and Sections 63-300.41 et seq. (QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration. (Continued)

(QR) The CWD at the time of the initial application interview shall determine which households shall be subject to QR~~and~~/PB, as specified in Section 63-505.2. The CWD may require those households subject to QR/PB requirements to have a face-to-face interview during the recertification process. For those QR/PB households that are not required to have a face-to-face recertification interview, the CWD shall conduct an interview by telephone, in accordance with Section 63-300.45.

Households subject to QR~~and~~/PB requirements shall be provided with the following ~~at during~~ the certification and recertification ~~interviews~~ process: (Continued)

.43 Waiving the Face-to-Face Interview (No Option)

The face-to-face interview shall be waived at initial certification and at recertification if requested by ~~for~~ any household ~~which is unable to appoint an authorized representative and in which has no all the household members able to come to the interview because they are 65 60 years of age or older, or physically disabled and whose members have no earned income.~~ The face-to-face interview shall also be waived if requested by any household which is unable to appoint an authorized representative and lives in a location which is not served by a certification office. For those households that are not required to have a face-to-face interview, the CWD shall conduct an interview by telephone, in accordance with Section 63-300.45. (Continued)

.45 When the Interview is Waived or Not Required

The CWD has the option of conducting a telephone interview or a home visit for those households for whom the face-to-face interview is waived or not required. Home visits shall be used only if the time of the visit is scheduled in advance with the household.

The CWD shall conduct a face-to-face interview at recertification in accordance with Section 63-300.4 when requested by the household or when the county determines it is necessary to verify conditions of eligibility.

~~Waiver of the face-to-face interview~~ When the face-to-face interview is waived or not required, it does not exempt the household from verification requirements, although special procedures may be used to permit the household to provide verification and thus obtain its benefits in a timely manner, such as substituting a collateral contact in cases where documentary verification would normally be provided.

~~Waiver of the face-to-face interview~~ When the face-to-face interview is waived or not required, it shall not affect the length of the household's certification period.

There is no limit to how many times a household may be certified based on telephone interviews. However, the case file must be adequately documented each time the face-to-face interview is waived.

63-601.124

~~.451 The household is certified by an out of office interview, as specified in Section 63-300.4. However, t~~The CWD should shall attempt to obtain the fingerprint images and photo images complete all SFIS requirements not completed at time of certification, when the household member(s) is/are in the office for any reason. The CWD shall not require the household member to make a special trip into the office solely for the purpose of SFIS compliance. However, a household that has not met SFIS requirements during the initial certification period must satisfy the SFIS requirements by the end of the household's initial certification period or prior to being recertified. If the household member does not comply with SFIS requirements, the CWD must take appropriate action as specified in Section 63-505.14.

.46 Scheduling Initial Application Interviews (Continued)

.464 Scheduling Recertification Interviews

- (a) As part of the recertification process, the CWD must conduct a face-to-face interview with a member of the household or its authorized representative at least once every 12 months for households certified for 12 months or less. The requirement for a face-to-face interview once every 12 months may be waived in accordance with Sections 63-300.43 and .44 or not required in accordance with Section 63-300.41(QR).  
(Continued)

Authority cited: Sections 10554, 11265.1, .2 and .3, 18901.3, 18904, and 18910, Welfare and Institutions Code.

Reference: Sections 10554, 11023.5, 11265.1, .2, and .3, 11348.5, 18901.3, 18901.10, 18904, 18910, and 18932, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 271.2, 273.2(b)(ii), (c)(2)(i) and (ii), (c)(3), (c)(5), (e)(1), (e)(2), (e)(3), (f)(1)(i)(C), (ii)(B)(1), (2), (3), and (C), and (iii)(h)(1)(i)(D), and proposed (f)(1)(xii) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, (f)(3), (f)(3)(ii), (f)(8), (h), (h)(1)(i)(D), and (j)(1); 7 CFR 273.4(a)(2) and (10) and (c)(2); 7 CFR 273.7(i)(4) and (j)(1); 7 CFR 273.12(c) and (c)(3); 7 CFR 273.14(b)(3)(i), (iii) and (b)(4) and (e); 7 CFR 273.21(h)(2)(iv), (i), and (j)(3)(iii)(B); USDA, Food and Nutrition Service (FNS) Office, Western Region, Administrative Notice 84-56, Indexed Policy Memo 84-23; ~~Food and Nutrition Service~~ FNS Quarterly Reporting/Prospective Budgeting waiver dated April 1, 2003; USDA, FNS Waiver #2070014; 7 U.S.C.A. 2020(e)(2); Americans with Disabilities Act (ADA), Public Law (P.L.) 101-336, 1990; U.S.D.A., Food and Consumer Services, Administrative Notice No. 94-22, dated January 7, 1994; Chapter 306, Statutes of 1988, and AB 1371, Chapter 306, Statutes of 1995; Blanco v. Anderson Court Order, United States District Court, Eastern District of California, No. CIV-S-93-859 WBS, JFM, dated January 3, 1995, and Federal Register, Vol. 66, No. 229, dated November 28, 2001.

Amend Section 63-504.6 to read:

63-504      HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY      63-504  
(Continued)

.6      Recertification of All Households

.61      General Requirements (Continued)

(d)      Any household receiving a notice of action informing them of the expiration of their certification period shall attend any interview scheduled by the CWD on or after the date the application is timely filed in order to retain their right to uninterrupted benefits.

(1)      The CWD may schedule the interview prior to the date the application is timely filed provided the household is not denied at that time for failing to ~~appear for~~ participate in the interview.

(2)      The CWD shall schedule the interview on or after the date the application was timely filed if the interview has not been previously scheduled, or the household has failed to ~~appear for~~ participate in any interviews scheduled prior to this time and has requested another interview.

(3)      If the household does not ~~appear for~~ participate in any interview scheduled in accordance with this section or attempted to reschedule another appointment, the CWD need not initiate any further action.  
(Continued)

(g)      CWD Action on Timely Applications for Recertification

The CWD shall provide uninterrupted benefits to any household determined eligible after the household timely files an application and ~~attends~~ participates in an interview. The CWD shall provide uninterrupted benefits within the time standards listed below even if, to meet these standards, the CWD must provide an opportunity to participate outside the normal issuance system. (Continued)

(i)      CWD Action on Untimely Applications for Recertification

(1)      Any household shall lose their right to uninterrupted benefits if they fail:  
(Continued)

(B)      To ~~appear for~~ participate in an interview. (Continued)

Authority cited: Sections 10553, 10554, 10604, 11265.1, .2, and .3, 11369, 18904, and 18910, Welfare and Institutions Code.

Reference: Sections 10554, 11265.1, .2, and .3, 18901.6, 18904, and 18910, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 271.2; proposed 7 CFR 273.2(f)(1)(xii) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, (f)(8)(i); (f) (8)(i)(A) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; (f)(8)(ii), (h), and (h)(1)(i)(D), 7 CFR 273.2(j)(3) and (4); 7 CFR 273.8(b); 7 CFR 273.9(d)(6)(iii)(F), 7 CFR 273.10(d)(4), (f), (g)(1)(i) and (ii); 7 CFR 273.12(a)(1)(i)(A), (a)(1)(i)(B), and (a)(1)(i)(C)(2); proposed 7 CFR 273.12(a)(1)(vi) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, and (c); 7 CFR 273.12(e)(1), (e)(2), and (e)(4); 7 CFR 273.13(a)(2); 7 CFR 273.13(b)(1); 7 CFR 273.14; 7 CFR 273.14(b)(3) and (e); 7 CFR 273.18(e)(6)(ii); 7 CFR 273.21(e)(1), (f)(1)(iii), (f)(1)(iv)(B), (f)(2)(v), (h)(2)(iv), proposed (h)(2)(ix) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, (h)(3)(ii), (i), (j), (j)(1)(vi), (j)(1)(vii)(A) and (r), (j)(2)(iii), (j)(3)(ii), (j)(3)(iii)(B), (j)(3)(iii)(C), and proposed (j)(3)(iii)(E) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 274.10; Public Law (P.L.) 100-435, Section 351, P.L. 101-624, and P.L. 103-66; Section 1717, [7 U.S.C. 2014(e)]; 7 U.S.C. 2014(d)(7), AND (e)(6)(C)(iii), 2017(c)(2)(B) and 2020(s); U.S.D.A. Food and Consumer Services, Administrative Notices 94-39 and 97-50; P.L. 104-193, Sections 801, 807 and 827 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); Federal Nutrition Service Quarterly Reporting/Prospective Budgeting waiver approval dated April 1, 2003; Federal Administrative Notice 97-99, dated August 12, 1997; United States Department of Agriculture (USDA), Food and Nutrition Service (FNS) Administrative Notice (AN) 03-23, dated May 1, 2003; USDA, FNS Waiver #2070014; and the Farm Security and Rural Investment Act of 2002 (P.L. 107-171).

Post-hearing: Amend Section 63-505.14 to read:

63-505      HOUSEHOLD RESPONSIBILITIES

63-505

.1      Household Cooperation (Continued)

.14      Refusal to Cooperate with the Statewide Fingerprint Imaging System (SFIS) Requirement

Eligible household members who are not exempt per Sections 63-601.12 through ~~.125~~ .123 and Section 63-601.14 shall be required to fulfill SFIS requirements prior to the issuance of food stamp benefits to that household, even if the household is eligible for benefits. The SFIS requirements, exemptions, and postponements are explained in Sections 63-601.12 through ~~.125~~ .123, Section 63-601.13, and Section 63-601.14.

Authority cited: Sections 10553, 10554, 10604, 11265.1, .2 and .3, 11369, 18904, and 18910, Welfare and Institutions Code.

Reference: Sections 10554, 10830, 11265.1, .2, and .3, 18904, and 18910, Welfare and Institutions Code; 7 CFR 272.4(f); 7 CFR 273.2(j)(3) and (4); 7 CFR 273.10(d)(4); 7 CFR 273.11(a)(2)(iii); 7 CFR 273.12, (a)(1)(i), (a)(1)(i)(A), (a)(1)(i)(B), (a)(1)(i)(C)(2), and proposed .12(a)(1)(vi) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 273.2(d); proposed 7 CFR 273.2(f)(1)(xii) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 273.21(b), (b)(4), (f)(2)(v), (h)(2)(iv), proposed (h)(2)(ix) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, (h)(3), and (i); 7 CFR 273.12(a)(1)(vii); 7 CFR 273.24(a)(1)(i) and (b)(7); P.L. 100-435, Section 351; P.L. 101-624, Section 1717 [7 U.S.C. 2014(e)] and Section 1723 [7 U.S.C. 2015(c)(1)(A)]; P.L. 102-237, Section 908 [7 U.S.C. 2016(h)(1)]; 7 U.S.C. 2014(d)(6) and (e)(6)(C)(iii); Food and Consumer Services Administrative Notice 96-13, dated December 7, 1995; United States Department of Agriculture, Food and Nutrition Service Administrative Notice 03-23, dated May 1, 2003; Letter from Food and Consumer Services to Fred Schack, dated March 25, 1996; Food Stamp Act of 1977; Federal Nutrition Service Quarterly Reporting/Prospective Budgeting waiver approval dated April 1, 2003; and the Farm Security and Rural Investment Act of 2002 (P.L. 107-171).

Amend Section 63-601.12 to read:

63-601 COUNTY WELFARE DEPARTMENT RESPONSIBILITIES (Continued) 63-601

.1 Basic Issuance Requirements (Continued)

.12 The CWD shall be required to obtain fingerprint images and a photo image of each eligible household member using SFIS equipment, as specified in Section 63-505.14, unless that member meets one or more of the following exemptions. (Continued)

.124 (Renumbered to 63-300.451) (Continued)

Authority cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 272.4(f); 7 CFR 274.1; 7 CFR 274.2; 7 CFR 274.7; Food and Consumer Services Administrative Notice 96-13, dated December 7, 1995; and Sections 10554 and 18904, Welfare and Institutions Code.